

## NOTICE OF FILING AND PUBLIC HEARING

D.T.E. 04-86

Petition of Colonial Gas Company d/b/a KeySpan Energy Delivery for approval of recovery of exogenous costs resulting from the Department's change in policy regarding the recovery of lost base revenues associated with demand-side management programs.

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On September 16, 2004, pursuant to Eastern/Colonial Acquisition, D.T.E. 98-128 (1999), Colonial Gas Company ("Colonial" or "Company") filed a petition with the Department of Telecommunications and Energy ("Department") that proposes to recover exogenous costs, which Colonial claims is the result of lost base revenues associated with demand-side management programs. The Company seeks to recover \$1,108,022 in exogenous costs through Colonial's local distribution adjustment factor for the twelve-month period November 2004 through October 2005.

The Department will hold a public hearing on Wednesday, November 3, 2004, at 2:00 p.m., to receive comments on the Colonial's petition at the Department's offices, One South Station, Boston, Massachusetts. Any person who desires to comment may do so at the time and place noted above or submit written comments no later than the close of business (5:00 p.m.) on Tuesday, November 2, 2004. The Department will conduct a procedural conference following the conclusion of the public hearing.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business (5:00 p.m.) on Tuesday, November 2, 2004. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original and three (3) of all written comments or petitions to intervene must be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2<sup>nd</sup> Floor, Boston, Massachusetts, 02110, not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene must be sent to the Company's attorney, Patricia Crowe, Esq., 52 Second Avenue, Waltham, Massachusetts 02451.

All written pleadings or comments also must be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and [John.Geary@state.ma.us](mailto:John.Geary@state.ma.us); or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 04-86); (2) name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and phone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel WordPerfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. All written pleadings or comments submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dte/>.

A copy of the Company's petition is available for inspection at the Department's offices, One South Station, Boston, Massachusetts, during normal business hours (Monday through Friday -- 9:00 a.m. to 5:00 p.m.). Copies are also on file for public viewing at the offices of the Company, 52 Second Avenue, Waltham, Massachusetts. Any person desiring further information regarding the Company's filing should contact Patricia Crowe, Esq., at 781-466-5131. Any person desiring further information regarding this notice should contact John J. Geary, Hearing Officer, Department of Telecommunications and Energy at (617) 305-3500.

## ORDER OF NOTICE

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Colonial Gas Company ("Colonial" or "Company") shall, no later than 14 days prior to Wednesday, November 3, 2004, publish the attached Notice of Filing and Public Hearing in the Cape Cod Times, the Lowell Sun, and in either The Boston Globe or the Boston Herald. The Company shall also serve a copy upon the service lists for Colonial Gas Company, D.T.E. 03-90 (2004), and to any person who has filed a request for notice with the Company. Colonial is required to make return of service at the time of the public hearing.

By Order of the Department,

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Mary L. Cottrell, Secretary